



15 January 2018

## Intergovernmental Process on Strengthening Respect for International Humanitarian Law (IHL)

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### Fifth Formal Meeting

Geneva, 3-5 December 2018

### Factual Summary

#### I. Introduction

1. The present factual summary is provided by the co-facilitators in accordance with paragraph 7(b) of the document entitled “Organizational Issues and Provisional Work Plan”, as accepted by States at the First Formal Meeting on 29 November 2016. While the summary cannot and does not include the views of each delegation on every issue discussed, it aims to provide an overview of the opinions expressed at the Fifth Formal Meeting.
2. The Fifth Formal Meeting was held on the basis of Resolution 2 entitled “Strengthening compliance with international humanitarian law” that was adopted by consensus at the 32nd International Conference of the Red Cross and Red Crescent held in December 2015. Therein, the Conference recommended “the continuation of an inclusive, State-driven intergovernmental process based on the principle of consensus after the 32nd International Conference and in line with the guiding principles enumerated in operative paragraph 1 [of the resolution] to find agreement on features and functions of a potential forum of States and to find ways to enhance the implementation of IHL using the potential of the International Conference and IHL regional forums in order to submit the outcome of this intergovernmental process to the 33rd International Conference”. The intergovernmental process is based on the understanding that “nothing is agreed until everything is agreed” and is being conducted based on a general agreement about the need to ensure its non-politicization and transparency. The State-driven nature of the process was affirmed.
3. Resolution 2 builds on the consultation process on strengthening compliance with IHL that was jointly facilitated by Switzerland and the ICRC in follow-up to Resolution 1 of the 31st International Conference held in 2011. The consultations served primarily to enable States to jointly explore ways and means of enhancing the effectiveness of mechanisms of compliance with IHL and of strengthening dialogue among States on this issue.
4. In accordance with the work plan agreed at the Third Formal Meeting, the Fifth Formal Meeting was devoted to:
  - Development of proposals for strengthening respect for IHL based on the converging elements and discussions held

- Identification of the main proposals to be further pursued
  - Preliminary exchange of views on elements and form of the outcome of the intergovernmental process
  - Consideration and adoption of work plan for 2019
5. The Fifth Formal Meeting built on the meetings held within the intergovernmental process in 2016 and 2017, as well as on exchanges regarding converging elements that took place at the Fourth Formal Meeting of 4-6 May 2018. Furthermore, preparatory discussions on the issues addressed at the Fifth Formal Meeting took place at an open-ended consultation on 18 September 2018 and an informal meeting on 18 October 2018. The open-ended consultation and the informal meeting served for delegations to exchange initial views on the draft discussion paper prepared by the co-facilitators, which *inter alia* aimed to assist States in the development of proposals and the identification of main proposals. These occasions also served as a venue for States to present new or updated proposals and ideas, share initial reflections on the elements and form of the outcome of the intergovernmental process, and exchange views on the draft work plan for 2019.

## **II. General Remarks**

6. 116 delegations participated in the meeting (see Annex III).
7. Ahead of the Fifth Formal Meeting, States submitted new and updated proposals and ideas for strengthening respect for IHL.<sup>1</sup> Written submissions provided by States following the Fourth Formal Meeting of the intergovernmental process in May 2018 were shared through the dedicated website of the intergovernmental process.
8. In order to facilitate discussions at the Fifth Formal Meeting, States had before them a discussion paper prepared by the co-facilitators. The discussion paper was provided in English and in French. States provided guidance on the content of the draft discussion paper at the open-ended consultation on 18 September 2018 and the informal meeting on 18 October 2018.
9. Representatives of the International Federation of Red Cross and Red Crescent Societies (the IFRC) also followed the Fifth Formal Meeting.
10. On 5 December, delegations agreed on the work plan for 2019 (see Annex II) and the main elements of the Fifth Formal Meeting (see Annex I).

## **III. Session 1: Development of proposals for strengthening respect for IHL based on the converging elements and discussions held**

11. The first session of the Fifth Formal Meeting was dedicated to the development of proposals for strengthening respect for IHL based on the converging elements and discussions held. This session served as an opportunity for States to present their new or updated proposals, and exchange questions or remarks regarding the proposals put forward. In recognition of States' efforts and commitment in this respect, the co-facilitators thanked States for developing numerous proposals in preparation for the Fifth Formal Meeting, the written submissions of which were shared through the dedicated website of the intergovernmental process.

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<sup>1</sup> Contributions in this respect were put forward by States including Argentina and the United Kingdom (jointly), Brazil, Canada and the Netherlands (jointly), Japan, Mexico, the Russian Federation, and the United States of America.

12. As general remarks during this session, delegations expressed appreciation to the ICRC and Switzerland for their work as co-facilitators of the intergovernmental process, reaffirmed their commitment to the process' aim of strengthening respect for IHL, and emphasized that the guiding principles established in Resolution 2 of the 32<sup>nd</sup> International Conference continue to underpin the intergovernmental process. Delegations also noted that the discussion paper provided a useful basis for State discussions at the Fifth Formal Meeting. Some delegations specified that the content of the discussion paper is best understood only as a compilation of the varied ideas put forward by States, and as such is not to be viewed as representative of converging elements nor as a starting point for negotiation. Instead, it was observed that discussions should focus on the agreed text found in the main elements of preceding Formal Meetings.
13. Reflecting broadly on the range of proposals put forward by States to strengthen respect for IHL, delegations generally expressed openness to considering how elements of different proposals could be combined, rather than a preference for identifying a single State proposal to pursue. On this understanding, some delegations stated their support for an outcome combining the enhancement of IHL activities at the International Conference, a digital platform on IHL, and a dialogue among States on IHL between International Conferences, on the basis that these three aspects of an outcome are complementary. Other delegations stated their view that consensus looked possible only with regard to the enhancement of IHL activities at the International Conference, complemented potentially with an IHL-related web platform, and specified that by contrast discussions of a dialogue among States on IHL between International Conferences lacked potential for consensus.
14. In view of this divergence, delegations articulated a pressing need to use the Fifth Formal Meeting to make a decision as to whether a consensual way forward could be found in order to present an outcome to the 33<sup>rd</sup> International Conference in December 2019. A number of delegations expressed doubts as to whether it would be possible to achieve a meaningful outcome within the intergovernmental process, remarking on a lack of ambition in the nature of the outcomes under consideration and recalling that the guiding principle of 'effectiveness' should not be forgotten. In this vein, some delegations recalled that they had already significantly altered their positions since the outset of the intergovernmental process, such that they were no longer pursuing an outcome of an independent forum of States dedicated to IHL. These delegations remarked that they had demonstrated flexibility and a willingness to compromise in favour of reaching consensus, and called on others to do the same. Other delegations expressed the view that the focus should be on achieving what is possible within the framework of the intergovernmental process, rather than on the specification of strict requirements for the form of an outcome.

#### **IV. Session 2: Identification of the main proposals to be further pursued**

- *Part 1: Discussion of the enhancement of IHL activities at the International Conference, referring to the textual elements to the extent useful*
15. Part 1 of Session 2 was dedicated to a discussion of the enhancement of IHL activities at the International Conference, for the purpose of identifying the key elements of one (or more) proposal(s) to be further pursued. Throughout the session, delegations remarked that the International Conference currently plays a significant role in the humanitarian field, including as the supreme deliberative body of the Red Cross and Red Crescent Movement and as a global platform for discussing contemporary humanitarian issues. Delegations also affirmed the special place of IHL at the International Conference.

16. In considering how IHL activities at the International Conference could best be enhanced, delegations indicated preferences for several of the ideas outlined on pages 7-8 of the discussion paper. Merit was found by a number of delegations in the possible inclusion of an item dedicated to IHL on the agenda of the general debate; in a special plenary session on IHL for all members of the International Conference wherein thematic discussions on IHL topics could occur; in a session of the International Conference wherein quadrennial stock-taking of a range of IHL-related activities could occur; and in an IHL commission as a subsidiary body of the Conference in line with Article 10(8) of the Statutes of the Movement. It was observed that such IHL-related activities could potentially recur at International Conferences. Interest was also expressed in a special session on IHL among States prior to the beginning of the International Conference.
17. States also expressed support for ideas regarding how the IHL-related activities of the International Conference could be enhanced through engagement with dedicated IHL regional forums and domestic-level IHL mechanisms such as National IHL Committees. In exploring the potential of dedicated IHL regional forums, various delegations shared experiences of the significant role that such forums currently play in strengthening respect for IHL. A number of characteristics that factor in the achievements of such forums were highlighted, including their support for engagement with International Conference resolutions at regional level, their facilitation of domestic IHL implementation, the focus they allow on issues of specific regional relevance, the opportunity they provide for the exchange of good practices and capacity-building, the platform they create for the highlighting of positive achievements, the resource efficiency permitted by the geographic proximity of forum venues, and the involvement of the ICRC.
18. In considering how the substantial merit of dedicated IHL regional forums could be leveraged to enhance the IHL activities of the International Conference, it was suggested that space could be reserved within the Conference agenda to present the work of these forums. This space could be used to share good practices and challenges, or to report on regional activities. In connection with this idea, it was recommended that care should be taken to ensure that the showcasing of regional-level work at the International Conference does not create undesired spotlighting of context-specific regional issues, and that each implicated regional forum should be allowed to determine the nature of their interaction with the International Conference for itself. In addition to the allocation of space at the International Conference, it was also suggested that dedicated IHL regional forums could serve as preparatory or follow-up meetings to the International Conference, for example for discussions of Conference agenda topics.
19. This idea was generally welcomed, but some delegations cautioned that these discussions at regional level nevertheless would not fulfil the same purpose of inter-sessional meetings at global level, and thus would be complementary but not a sufficient outcome of the intergovernmental process.
20. While some flexibility was expressed between certain options as to how the IHL activities at the International Conference should be enhanced, in the course of the discussions delegations' views diverged on a number of central issues.
21. One such divergence concerned both the desirability and feasibility of a State-only IHL commission at the Conference. Some delegations expressed preference for an IHL commission comprised only of States, pointing to paragraph 33 of the Factual Summary of the Third Formal Meeting to underline the technical feasibility of establishing a State-

only subsidiary body of the International Conference while complying with Article 10(8) of the Statutes and Rule of Procedure 16(3), if all Conference members agree. It was remarked that as IHL is ultimately implemented by and binding upon States, rather than components of the Movement, it should be legitimate for States to have a space to meet together at the International Conference. Other delegations objected to the establishment of a State-only IHL commission at the International Conference on the basis that it would damage the unique character of the International Conference. These delegations emphasised that integral elements of the Conference are both its contributions on humanitarian issues broader than IHL, and the equal participation of all components of the Movement (the ICRC, IFRC, and National Red Cross and Red Crescent Societies) alongside States parties to the Geneva Conventions, consequently concluding that these would be undermined by a State-only IHL commission. It was also pointed out that the technical feasibility of such a commission did not mean that such an option is possible in practice, given that the establishment of a State-only commission would require components of the Movement to exclude themselves from a portion of the International Conference. In addition, some delegations cautioned that the agenda of a State-only commission would have to be established by the International Conference.

22. Another divergence of views concerned whether the enhancement of the quadrennially-occurring IHL activities at the International Conference would have sufficient added-value to constitute an effective outcome of the intergovernmental process. Some delegations stated their position that the enhancement of IHL activities occurring at the International Conference, including through the involvement of regional forums, could only form part of a consensual outcome of the process if complemented by a dialogue among States on IHL between International Conferences at global level. These delegations expressed the view that the robust schedule of the Conference could not accommodate sufficient time to discuss thematic IHL issues in a manner that could meaningfully strengthen respect for IHL if unaccompanied by more regular dialogue, and in any case that a meaningful outcome of the intergovernmental process requires an IHL dialogue among States more frequent than every four years. Other delegations felt that enhancement of the quadrennially-occurring IHL activities of the International Conference would be a sufficient outcome of the intergovernmental process, and that this objective was the most viable way forward. In response, the view was expressed that the options currently being considered for enhancing the quadrennial IHL activities at the International Conference have long been existing practices of the International Conference, and as such there was no need to continue discussions on these ideas within the framework of the intergovernmental process. These options could be achieved through the separate and standard consultation process conducted by the ICRC and IFRC to develop the agenda of International Conferences.
23. A related divergence emerged regarding the scope of the mandate established in Resolution 2 of the 32<sup>nd</sup> International Conference to find ways to strengthen respect for IHL using “the potential of the International Conference.” Some delegations interpreted that this mandate required an outcome expressly set out in the Statutes and Rules of Procedure governing the International Conference, such that an inter-sessional IHL dialogue among States linked to the Conference would go beyond the scope of what is foreseen by the reference to the “potential of the International Conference” in Resolution 2, amounting in practice to a new mechanism. Other delegations articulated a contrary interpretation, affirming their view that the establishment of a dialogue among States falls within the potential of the International Conference, pointing out that the present State-only intergovernmental process was established by a resolution of the International Conference and that such resolutions are permitted by the Statutes and Rules of Procedure.

- *Part 2 and 3: Discussion on a dialogue among States on IHL between International Conferences, referring to the textual elements to the extent useful, and initial reflections on safeguards and working practices related to a possible dialogue among States*
24. Part 2 of Session 2 was devoted to discussions on a dialogue among States on IHL between International Conferences, for the purpose of identifying the key elements of one (or more) proposal(s) to be further pursued. Part 3 of Session 2 was subsequently devoted to initial reflections on safeguards and working practices related to a possible dialogue among States. In reflection of the joint manner in which these issues were addressed by delegations during the Fifth Formal Meeting, the present text summarises these discussions together.
  25. Some delegations stated their position that an outcome of the intergovernmental process must involve a regular dialogue among States on IHL occurring more than every four years at universal level, and that this dialogue could be meaningfully linked to the enhanced IHL activities taking place quadrennially at the International Conference. These delegations articulated a range of preferences and detail as to the possible characteristics of such a dialogue. Participation would be open to all States on a voluntary basis and thereby be universal in character without being mandatory. The substance of discussions would consist of the sharing of information, experiences and good practices on thematic IHL issues in a non-contextual, non-politicised and State-driven manner, thereby creating a safe space for States to discuss IHL. There was general agreement that the agenda for these thematic discussions should be determined by States in a transparent and inclusive manner, potentially with reference to criteria such as the relevance of the topic to a sufficient number of States, or the pressing nature of a challenge of practical implementation. Considering periodicity, delegations expressed various preferences for either annual or biennial frequency, but generally indicated flexibility as long as the regularity facilitated meaningful continuity. While some delegations stipulated a preference that military experts and other IHL practitioners attend, others expressed the view that while this may be preferable States must reserve discretion over the selection of their representatives. Certain delegations also suggested that consideration be given to the attendance of components of the Red Cross and Red Crescent Movement including National Societies, potentially in an observer capacity.
  26. The significance of the link to the International Conference was emphasised. It was correspondingly discussed that the link could consist of a range of institutional and substantive measures, including the establishment of the dialogue by a Conference resolution; the use of the State meetings to prepare for the IHL-related activities at the International Conference, including through the holding of a high-level special event ahead of the Conference; or the submission of a report to the Conference which could either be presented for informational purposes, or could potentially facilitate an exchange of views among Conference members in plenary, at an IHL commission, or at a special session. In addition, it was foreseen that a State dialogue between Conferences could be usefully complemented by interactions with a digital platform on IHL as well as with dedicated IHL regional forums.
  27. In general, the delegations indicating support for the idea of a State dialogue on IHL between International Conferences expressed flexibility with regard to the characteristics of such a dialogue, and in particular as to which of the three models in Visual C of the discussion paper was preferred, with certain delegations prefacing this flexibility on the establishment of appropriate modalities of work and safeguards to ensure non-politicisation and non-contextualisation. It was also proposed that such a dialogue could be established on a pilot basis between the 33rd and 34th International Conference.

28. In view of these discussions on the nature of a State IHL dialogue between International Conferences, some delegations raised concerns and requests for clarification. One concern was articulated with respect to the cost implications of such State meetings for smaller delegations or those facing resource constraints. In response, certain delegations acknowledged the challenge posed by financial concerns, but encouraged that these could be addressed once common ground had been established as to a consensual way forward. Another concern related to whether the potential safeguards and working practices of a possible dialogue on IHL among States, including those outlined in the discussion paper, could ensure compliance with the guiding principles established in Resolution 2 of the 32nd International Conference. Some delegations consequently requested more detail to clarify how these guiding principles, and in particular the principles of non-politicisation and non-contextualisation, could become concrete working practices for a dialogue among States on IHL. Other delegations considered that the simple application of these agreed principles to a State dialogue on IHL would act as a sufficient safeguard without discussion of further implementing detail needed, but expressed willingness to explore the subject further to alleviate the concerns of others.
29. In the spirit of advancing discussions on the safeguards and working practices related to a possible IHL dialogue among States, some delegations put forward proposals and preferences on how the principles of non-contextualisation and non-politicisation could be ensured concretely. These included setting rules to stipulate that States would discuss their own practice rather than that of other States; that good practices rather than issues of non-compliance with IHL would form the focus of discussion; that participation should occur at expert level among IHL practitioners and military personnel rather than at political level; that sessions be devoted to exchanging practice rather than negotiating any text; that the Chair's authority be defined to include the monitoring of statements contravening the guiding principles; that the output of a factual report be the sole responsibility of the Chair; and that the rule of consensus apply to any decision. During the course of this discussion, some delegations highlighted the positive experiences of regional forums and the meeting on detention issues convened by the ICRC in July 2018 as evidence of the feasibility of non-politicised and non-contextualised dialogue between States. Certain delegations also stipulated that specifications of safeguards and working practices should not entail changes to the Statutes or Rules of Procedure governing the International Conference.
30. Notwithstanding these elaborations, divergent views continued to persist as to the feasibility of non-politicised and non-contextualised IHL dialogue among States between International Conferences. While expressing appreciation for the efforts to operationalise the guiding principles, some delegations observed that even if States only refer to their own practice in the course of discussions, and intend to focus on good practices, politicisation could occur in instances where practice considered IHL-compliant by one State is not considered to be so by another. In response, delegations supportive of a State IHL dialogue between International Conferences called on others to identify concretely what safeguards would be needed to allow their participation in such meetings, if a consensual way forward is to be found.
31. Divergent views were also expressed on the issue of whether a State IHL dialogue between International Conferences would duplicate existing activities. Some delegations held the view that meaningful inter-State dialogue on IHL already occurs at regional level, at times on an annual basis, and that this is a preferred alternative to global-level dialogue. Other delegations held the contrary view that given the international nature of IHL rules, the absence of dedicated IHL forums in a number of regions, and the lack of opportunity for all States to exchange experiences and

challenges related to contemporary IHL implementation with each other, a global level dialogue would not duplicate any existing mechanisms.

32. An additional divergence persisted on the subject of whether the State IHL dialogue between International Conferences *de facto* constituted a forum of States comparable to that discussed in the Second Formal Meeting of the intergovernmental process. Some delegations expressed the view that a State dialogue between International Conferences, while not identical to the forum of States discussed previously, nevertheless would amount to a new independent mechanism and accordingly was unacceptable for the same reasons that a forum was unacceptable. Other delegations expressed the view that the State dialogue discussed at present bears significant differences to the independent forum of States discussed previously, including the extensive safeguards and working practices accompanying such a dialogue, the lack of any deliberative function within such a dialogue, and the absence of any independent institutional infrastructure underpinning such a dialogue. These delegations stated their position that IHL dialogue among States between International Conference was a minimum requirement for an outcome of the intergovernmental process, recalling that the impetus for the process was precisely the lack of opportunity to discuss IHL at the global level. In view of these divergent positions and the clear lack of advancement towards consensus, certain delegations observed that the utility of meetings within the intergovernmental process seemed to be reaching an end.

– *Part 4: Discussions on a dedicated digital platform on IHL*

33. Part 4 of Session 2 was devoted to a discussion of a dedicated digital platform on IHL, for the purpose of identifying the key elements of one (or more) proposal(s) to be further pursued. A number of delegations expressed their support for the establishment of a digital platform and put forward proposals and preferences in this regard. This generated an interactive exchange between delegations as clarifications were sought regarding the potential form, hosting and funding of such a platform. It was put forward that a platform could take the form of an online repository or database of State practice through which delegations could voluntarily share their own military manuals, directives, legislation, court decisions, and national policies. States would be free to update or remove documents previously shared. Some delegations expressed the view that a digital platform need not be limited to an online repository or database, but rather could facilitate thematic exchanges among experts on technical IHL issues. With regard to financing and administration, it was suggested that voluntary financial contributions could be made and that a partnership could be established with an NGO, academic institution, or potentially the ICRC to administer the platform. It was also noted that the platform administrator could monitor adherence to the guiding principles, and that access to the platform could be determined depending on the nature of the documents available. In relation to the issue of resourcing, it was highlighted that a dedicated digital platform should be funded to appropriately accommodate the language requirements of a range of States.
34. Generally, the idea of a dedicated digital IHL platform was welcomed by delegations. It was remarked that such a platform could facilitate a useful and continuous exchange of practical information on IHL and would be a particularly welcome resource for small States. However, some delegations conditioned their support for the idea on the basis that such a platform add value to existing IHL digital platforms, and in particular avoid the duplication or undermining of the ICRC's databases on national IHL implementation and State practice relevant to customary rules of IHL. In addition, some delegations specified that a dedicated digital platform on IHL could complement but not replace State meetings on IHL between International Conferences, such that a digital platform would not be a sufficient outcome of the intergovernmental process in and of itself.



**V. Session 3: Preliminary exchange of views on elements and form of the outcome of the intergovernmental process**

35. Session 3 was dedicated to an exchange of views on the elements and form of the outcome of the intergovernmental process. During this session, the co-facilitators thanked delegations for the clarity with which they had expressed their views during the Fifth Formal Meeting. In view of this clarity, the co-facilitators observed that divergences persisted among States on the issue of establishing a dialogue among States on IHL between International Conferences, linked to the Conference. On this basis, the co-facilitators proposed that they could provide a short factual report of the State discussions to date to the 33rd International Conference. The report could be presented to States in early 2019, discussed at a short meeting, and ultimately be taken into account via a general resolution of the International Conference. The co-facilitators acknowledged that no consensus could be found at this stage within the intergovernmental process on the best way to use the potential of the International Conference to strengthen respect for IHL, but noted with encouragement that the rich discussions that have taken place may provide future avenues of exploration on how to increase compliance with IHL by States, as well as for other members of the International Conference.

36. In response to the co-facilitators' proposal, some delegations expressed strong disappointment that it had not been possible to achieve a consensual outcome within the intergovernmental process despite the significant efforts made in this respect. Delegations also thanked the ICRC and Switzerland for their dedication to the process throughout many years. Certain delegations suggested that a final attempt at consensus could be made through the consideration of concrete textual elements in 2019. Other delegations countered this option with the observation that the textual elements on pages 16-17 of the discussion paper do not generate consensus and expressed the view that all avenues of possibility in this respect had been exhausted.

37. Delegations therefore accepted the proposal that a factual report on the proceedings of the intergovernmental process be presented by the co-facilitators in 2019. It was noted that such a report would serve as a useful record of what had been learned throughout the course of State discussions during the intergovernmental process by recording the various ideas that had been put forward during the intergovernmental process. Some delegations observed that the emphasis should be placed on positive potential avenues of a future way forward. The view was also expressed that the factual report should indicate a lack of convergence on certain issues, such that these issues would not be pursued further within the framework of the standard consultation of States in preparation for the 33<sup>rd</sup> International Conference in 2019.

**VI. Session 4: Consideration and adoption of work plan for 2019**

38. Session 4 was devoted to discussing and adopting the work plan for 2019. During this session, delegations agreed on the work plan for 2019 (see Annex II).

**VII. Session 5: Main elements of the Fifth Formal Meeting**

39. In Session 5, delegations agreed the main elements of the Fifth Formal Meeting (see Annex I).

## **Annex I: Main Elements as Agreed at the Fifth Formal Meeting**

1. The Fifth Formal Meeting, building on the work plan for 2018 adopted at the Third Formal Meeting held on 4-6 December 2017, was held in the framework of the intergovernmental process in accordance with resolution 2 of the 32nd International Conference of the Red Cross and Red Crescent. The Fifth Formal Meeting was dedicated to the development of proposals for strengthening respect for IHL based on the converging elements and the discussions held, the identification of the main proposals to be further pursued, a preliminary exchange of views on elements and form of the outcome of the intergovernmental process, as well as the consideration and adoption of the work plan for 2019.
2. Delegations had before them a Discussion Paper prepared by the co-facilitators. The Discussion Paper had been revised in order to take into account the issues raised by States in the discussions that had been held in preparation for the Fifth Formal Meeting.
3. In view of the Fifth Formal Meeting, a number of States provided written contributions towards the development of proposals for strengthening respect for IHL based on the converging elements and the discussions held. These submissions were shared through the dedicated website of the intergovernmental process.
4. Delegations presented a range of proposals and ideas to enhance the implementation of IHL using the potential of the International Conference, dedicated IHL regional forums, a dialogue on IHL among States, and a digital tool.
5. The main ideas put forward by States as contributions towards a potential outcome as outlined in the Discussion Paper for the Fifth Formal Meeting were discussed by delegations during the relevant sessions.
6. In view of the last formal meeting, the co-facilitators will prepare a factual report on the proceedings of the intergovernmental process on strengthening respect for IHL.
7. Delegations agreed on the work plan for 2019 (enclosed).

## Annex II: Work Plan for 2019

<p>March 2019 (short meeting)</p>	<p><b>Last formal meeting on strengthening respect for IHL</b></p> <ul style="list-style-type: none"><li>- Presentation of the factual report of the co-facilitators</li><li>- Conclusion of the intergovernmental process on strengthening respect for IHL</li></ul>
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### **Annex III: Participating Delegations**

1. Albania
2. Algeria
3. Angola
4. Argentina
5. Armenia
6. Australia
7. Austria
8. Azerbaijan
9. Bahrain
10. Belarus
11. Belgium
12. Bhutan
13. Brazil
14. Bulgaria
15. Burkina Faso
16. Cameroon
17. Canada\*
18. Chile
19. China
20. Colombia
21. Costa Rica
22. Côte d'Ivoire
23. Croatia
24. Cuba
25. Cyprus
26. Czech Republic
27. Denmark
28. Djibouti
29. Ecuador
30. Egypt
31. El Salvador
32. Estonia
33. Ethiopia
34. Finland
35. France
36. Georgia
37. Germany
38. Ghana
39. Greece
40. Guatemala
41. Hungary
42. India
43. Indonesia
44. Iraq
45. Ireland
46. Islamic Republic of Iran
47. Israel\*
48. Italy
49. Jamaica
50. Japan
51. Jordan
52. Kazakhstan
53. Kuwait
54. Kyrgyzstan
55. Lao People's Democratic Republic
56. Latvia
57. Lebanon
58. Liechtenstein
59. Luxembourg
60. Madagascar
61. Malaysia
62. Malta
63. Mauritius
64. Mexico
65. Monaco
66. Mongolia
67. Montenegro
68. Morocco
69. Myanmar
70. Nepal

71. Netherlands
72. New Zealand
73. Nicaragua
74. Nigeria
75. Norway
76. Oman
77. Pakistan
78. Paraguay
79. Peru
80. Philippines
81. Poland
82. Portugal
83. Qatar
84. Republic of Moldova
85. Republic of Korea
86. Romania
87. Russian Federation
88. Saudi Arabia
89. Senegal
90. Serbia
91. Seychelles
92. Sierra Leone
93. Singapore
94. Slovakia
95. Slovenia
96. South Africa
97. Spain
98. State of Palestine\*
99. Sudan
100. Sweden
101. Switzerland
102. Syrian Arab Republic
103. Thailand
104. Togo
105. Trinidad and Tobago
106. Tunisia
107. Turkey
108. Uganda
109. Ukraine
110. United Arab Emirates
111. United Kingdom of Great Britain and Northern Ireland
112. United States of America\*
113. Uruguay
114. Venezuela
115. Viet Nam
116. Yemen

\* Reference is made to the positions expressed by these delegations in their communications addressed to the Depositary of the four Geneva Conventions of 1949 and circulated by the Depositary by Notifications GEN 4/14 of 21 May 2014 and GEN 4/14 of 27 June 2014.